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## **Testimony to the House Committee on Families, Children and Seniors**

**March 13, 2013**

### **Introduction**

Chairman Kurtz and members of the committee, my name is Judith Lincoln and I am a policy analyst with the Center for Civil Justice (CCJ), a non-profit organization with offices in Flint and Saginaw. We provide a variety of services to low-income people and their advocates in a 14-county region of mid-Michigan and the Thumb. We regularly meet with and work closely with many non-profit human services providers, including faith-based and community-based organizations and a myriad of other agencies that work to assist parents who are trying hard to maximize their potential for self-sufficiency. These agencies also work to fill the gaps when low income families lack the resources to make ends meet.

I am testifying in opposition to HB4118 which creates a suspicion-based drug test for applicants and recipients of Family Independence Program benefits, a/k/a cash assistance. Although the current bill calls for suspicion-based testing, it is important to note that Michigan's attempt to enact random drug testing for cash assistance recipients in 1999 was ruled invalid by the Courts.

We oppose HB4118 because

- The validity of the screening tool for suspicion-based drug testing is questionable.
- The concept that drug usage or abuse is a significant barrier to employment among FIP recipients is not supported by research.
- The imposition of the cost of the test on recipients who test negative, especially with a screening tool of questionable validity, is contrary to common sense and will impact benefits available to care for children.
- The ineligibility for FIP while seeking treatment is unreasonable and may undermine successful treatment.

## **Validity of Screening Tool for Suspicion-Based Drug Testing**

Although drafted to be based on reasonable suspicion, in addition to an “empirically validated substance abuse screening tool”, HB4118 allows the option of using a DHS developed substance abuse survey. Many highly reliable substance abuse screening tools exist that are proven to yield dependable results before people are required to submit to drug testing. It is very troubling that an option under HB4118 is a DHS developed survey that will not have the high level of reliability that empirically validated substance abuse screening tools have.

The probability is high that the DHS-developed substance abuse survey, which will not be subjected to scientific scrutiny and is not defined or described in any way in the bill, will result in drug testing that is not based on legitimate reasonable suspicion but is closer to the court-invalidated random drug testing approach reference in the introduction.

**Research does not support the premise that drug use or abuse is, in fact, a significant barrier to employment among FIP recipients.**

Research has shown that only 3% of welfare recipients suffer from substance abuse dependency, and that by itself, substance abuse is not a statistically significant factor impeding the transition from welfare to work.<sup>1</sup> Both alcohol and substance abuse are far less prevalent than other barriers, several of which do have a statistically significant impact on success in getting and keeping employment, as shown in Table 1 below.

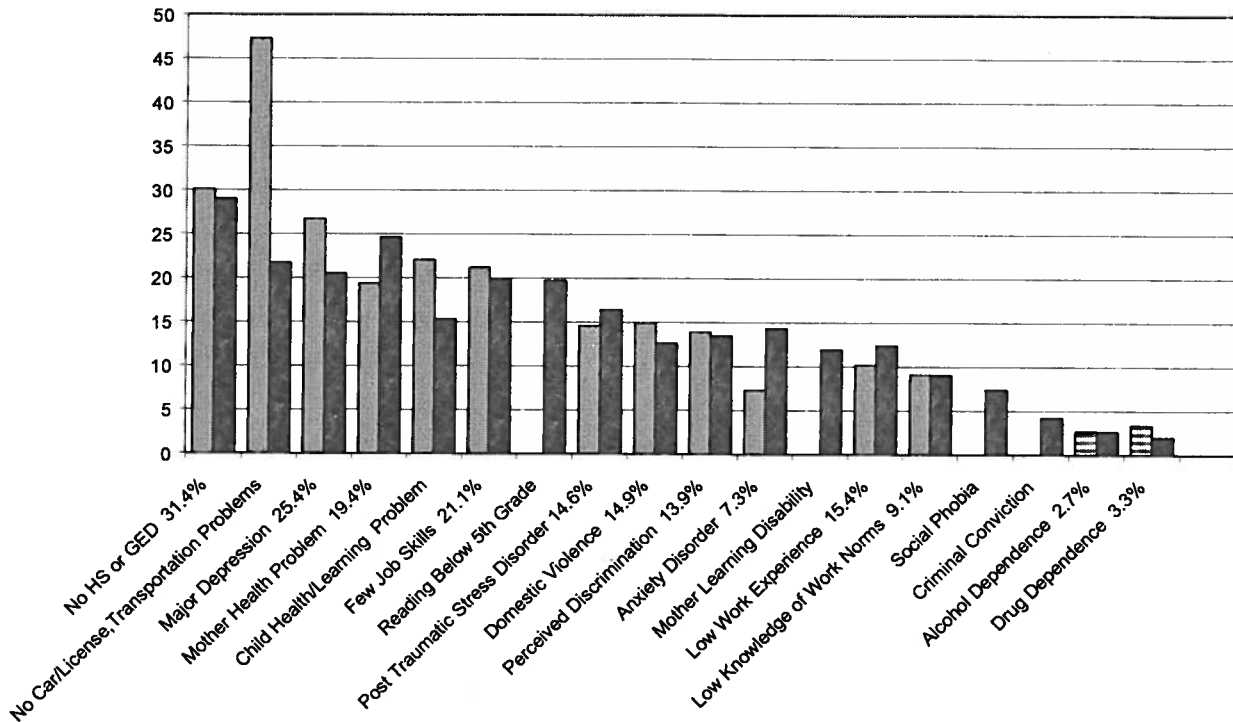
The State of Florida recently enacted drug testing legislation which has been enjoined by Courts. Statistics gathered prior to the court action, support the Michigan research. Only 2.6% of the tests administered were positive.

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<sup>1</sup> The University of Michigan has been researching the prevalence and significance of various barriers to self-sufficiency since Michigan’s welfare reform policies were instituted in 1997, through a longitudinal study of women who received FIP in an urban county in Michigan in 1997. As a part of the study, several hundred women have been interviewed in depth, using validated screening instruments, every year or two. The survey has consistently found that only 2 – 3% of the women being surveyed meet the clinical criteria for substance abuse dependence. See, e.g., <http://www.fordschool.umich.edu/research/pdf/weschartbook.pdf> and <http://www.irp.wisc.edu/publications/dps/pdfs/dp119399.pdf>.

Table 1

**Percentage of 1997 Welfare Recipients with Specific Barriers to Self-Sufficiency, 1997 - 2003**



Source: University of Michigan, Gerald R. Ford School of Public Policy, Michigan Program on Poverty and Social Welfare Policy, The Women's Employment Study, <http://www.fordschool.umich.edu/research/pdf/weschartbook.pdf> (Table 13, December 2004) and <http://www.irp.wisc.edu/publications/dps/pdfs/dp119399.pdf> (Table 3)

### Imposition of Cost of Drug Testing on FIP Recipient

CCJ also opposes the requirement that applicants or recipients whose test negative must bear the cost of the test by reduction in the next monthly benefit for the cost of the test. This is especially so in light of the possibility that a DHS developed survey, not validated by any professional or scientific methods, is the tool used by DHS staff to conclude reasonable suspicion and, thus, to require a drug test. Even if an empirically validated substance abuse screen tool is used to determine reasonable suspicion, the cost of a test that yields a negative result is significant to a recipient household. Recipients are already challenged to make ends meet and the expense of a drug test deducted from the next benefit payment would create hardship of those who are following the rules and testing negative. The bottom line here is that children will be deprived of benefits in the amount of the tests, which are expensive.

## **Ineligibility for FIP Benefit While Seeking Substance Abuse Treatment is Unreasonable**

The ability of a person with positive drug test results to seek substance abuse treatment is an admirable concept. However, ineligibility for FIP while participating in such treatment creates even more challenges to successful completion of the program. People who enroll in such programs are demonstrating a willingness to get off drugs. A minimum 90 days of ineligibility, coupled with expense of any future drug tests, creates a barrier that could be insurmountable to many.

Thank you for the opportunity to testify. I will be glad to answer any questions you may have. I can be reached at [jlincoln@ccj-mi.org](mailto:jlincoln@ccj-mi.org).